



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,524	04/17/2001	Marco A. DeMello	MSFT-0260/158416.2	6581
27372	7590	02/01/2006	EXAMINER	
WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP ATTENTION: STEVEN J. ROCCI, ESQ. ONE LIBERTY PLACE, 46TH FLOOR PHILADELPHIA, PA 19103			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/836,524

Applicant(s)

DEMELLO ET AL.

Examiner

Charlie C. Agwumezie

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/08/01; 08/01/03; 11/26/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Request for Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 21, 2005 has been entered.

### ***Response to Amendment***

2. Applicant's submittal of an amendment on September 14, 2005 was entered in response to Applicant's Request for Continued Examination on November 21, 2005, wherein:

Claims 1, 7, 13 and 21 have been amended;

Claims 1-23 are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 - 23, have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-6, 7-9, 12, 13-15, 19-20, and 21-22**, are rejected under 35

U.S.C. 102(e) as being anticipated by Sachs et al, U.S. Patent 6,331,865 B1.

5. As per **claim 1 and 6, 7**, Sachs et al discloses a method of facilitating commerce over a communications network comprising:

generating data indicative of a retail web site, contacted from within a directory feature of an integrated shopping service of a client computer, said integrated shopping service comprising a content rendering application, a retail shopping user interface and the directory feature, wherein a list of on-line retailers displayed by the directory feature enables navigation to a retailer on the list of on-line retailers directly through the list and wherein the list of on-line retailers is selected by the user said client computer (figs. 1 and 2; col. 1, lines 35-62; col. 2, lines 59-65; col. 8, lines 24-45; col. 9, lines 10-25, 30-45);

generating a signature of said data using a private key (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34);

Art Unit: 3621

providing said data and said signature to a plurality of computing devices (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34);

providing to said plurality of computing devices a public key corresponding to said private key(see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34); and

providing to said plurality of computing devices a set of computer-executable instructions which performs acts comprising:

determining the authenticity of said data against said signature (see fig. 1; col. 1, lines 35-55; col. 2, lines 34-51); and

displaying a link to said web site upon a determination that said data is authentic (see fig. 1; col. 1, lines 35-55; col. 2, lines 34-51).

6. As per **claim 2 and 8**, Sachs et al further discloses the method of facilitating commerce, wherein said web site vends a content item, and wherein said computer-executable instructions perform acts further comprising rendering said content item (col. 2, lines 34-51; col. 11, lines 55-62).

7. As per **claim 3**, Sachs et al further discloses the method of facilitating commerce, wherein the act of providing said public key comprises including said public key in-line in said computer-executable instructions (col. 10, lines 33-40; col. 14, lines 31-34).

8. As per **claim 4**, Sachs et al further discloses the method of facilitating commerce, further comprising the act of restricting access to said private key (col. 10, lines 33-40;

Art Unit: 3621

col. 14, lines 31-34).

9. As per **claim 5**, Sachs et al further discloses the method of facilitating commerce, wherein the act of providing said computer-executable instructions comprises downloading said computer-executable instructions to said plurality of computing devices using a computer network (see fig. 1; col. 4, lines 10-20).

10. As per **claim 9**, Sachs et al discloses the system, further comprising a module that navigates to the web site (figs. 1 and 2; col. 3, lines 54-65).

11. As per **claim 12**, Sachs et al further discloses the system, wherein said authentication module uses a public key to verify the authenticity of said signature, said signature being based on a private key corresponding to said public key (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34).

12. As per **claim 13 and 21**, Sachs et al discloses a method of providing access to web sites comprising:

creating a list of web sites (fig. 1; col. 11, lines 20-25), said web sites contacted from within a directory feature of an integrated shopping service of a client computer, said integrated shopping service comprising a content rendering application, a retail shopping user interface and the directory feature, wherein a list of on-line retailers displayed by the directory feature enables navigation to a retailer on the list of on-line

Art Unit: 3621

retailers directly through the list and wherein the list of on-line retailers is selected by the user said client computer (figs. 1 and 2; col. 1, lines 35-62; col. 2, lines 59-65; col. 8, lines 24-45; col. 9, lines 10-25, 30-45);

providing, to a plurality of computing devices, computer-executable instructions which access said web sites (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34);

Limiting access to said web sites by performing acts which include:

generating signatures for one or more of the web sites on said list using a key (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34); and

restricting access to said key (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34); wherein said computer-executable instructions include instructions which authenticate said signatures and which deny access to a web site on said list whose signature fails to authenticate (col. 4, lines 8-12; col. 8, lines 33-45).

13. As per **claim 14**, Sachs et al, failed to explicitly disclose the method wherein said web site distributes digital content items renderable by said computing devices (see fig. 1; col. 2, lines 34-51).

14. As per **claim 15**, Sachs et al failed to explicitly disclose the method, wherein said digital content items comprises text (col. 2, lines 28-33).

15. As per **claim 19**, sachs further disclose the method, further comprising establishing a contract with owners of said web sites (fig. 1; col. 1, lines 63-67).

16. As per **claim 20**, Sachs further discloses the method, wherein said key comprises a private key and wherein said computer-executable instructions use a public key corresponding to said private key to authenticate said signatures (see fig. 1; col. 10, lines 33-40; col. 14, lines 31-34).

17. As per **claim 22**, Sachs et al further discloses the data structure, wherein said data structure includes a universal record locator for each web site in said first set (fig. 1; col. 4, lines 50-57)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claim 10**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Sachs et al U.S. Patent 6,331,865 in view of Reed et al, U.S. Patent 6,088,717.

19. As per **claim 10**, Sachs et al failed to explicitly disclose the system, wherein the signature comprises a hash of said data.



Art Unit: 3621

Reed et al discloses the system, wherein the signature comprises a hash of said data (col. 109, lines 23-28, 49-52).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Sachs et al and incorporate the system wherein the signature comprises a hash of said data as taught by Reed et al in order to ensure security.

20. **Claim 11 and 23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachs et al U.S. Patent 6,331,865 in view of McFadzean et al, U.S. Patent Application Publication 2001/037302.

21. As per **claim 11 and 23**, Sachs et al failed to explicitly disclose the system, wherein said memory location comprises one or more registry keys.

McFadzean et al discloses the system, wherein said memory location comprises one or more registry keys (0018, 0019).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Sachs et al and incorporate the system wherein said memory location comprises one or more registry keys as taught by McFadzean et al in order to further ensure security.

Art Unit: 3621

22. **Claims 16-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachs et al U.S. Patent 6,331,865 in view of Fransdonk U.S. Patent Application Publication 2003/0165241.

23. As per **claim 16**, Sachs et al failed to explicitly disclose the method, wherein said digital content items comprises audio.

Fransdonk discloses the method, wherein said digital content items comprises audio (0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Sachs et al and incorporate the system wherein said digital content items comprises audio as taught by Fransdonk because distributing a wider selection of digital contents will increase the revenue of the service provider

24. As per **claim 17**, Sachs et al failed to explicitly disclose the method, wherein said digital content items comprises video.

Fransdonk discloses the method, wherein said digital content items comprises video (0009, 0013, 0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Sachs et al and incorporate the system wherein said digital content items comprises video as taught by Fransdonk because

Art Unit: 3621

distributing a wider selection of digital contents will increase the revenue of the service provider.

25. As per claim 18, Sachs et al further discloses the method, wherein said digital content items comprises software.

Fransdonk discloses the method, wherein said digital content items comprises software (0064).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Sachs et al and incorporate the system wherein said digital content items comprises software as taught by Fransdonk because distributing a wider selection of digital contents will increase the revenue of the service provider.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington D.C. 20231**

Or faxed to:

Art Unit: 3621

**(571) 273-8300.** [Official communications; including After Final communications labeled "Box AF"].

**(571) 273-8300.** [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"].

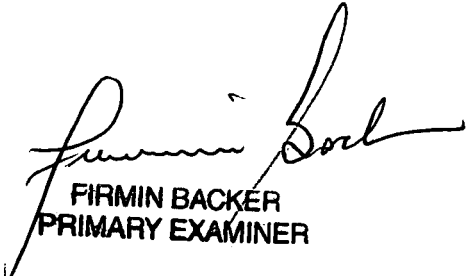
Hand delivered responses should be brought to the United States Patent and Trademark Office Customer Service Window:

**Randolph Building,**

**401 Dulany Street**

**Alexandria VA. 22314**

Charlie Lion Agwumezie  
Examiner  
Art Unit 3621  
December 19, 2005



**FIRMIN BACKER  
PRIMARY EXAMINER**